



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 23, 1998

Ms. Anne Constantine
Legal Counsel
D/FW International Airport
P.O. Drawer 619428
Dallas, Texas 75261

OR98-2810

Dear Ms. Constantine:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 120006.

The Dallas/Fort Worth International Airport Board (the "board") received an open records request for, among other things, "all contracts including change orders, supplements and amendments issued by DFW's Airport Development Department (ADD) to Thomas S. Byrne, Inc. and Corgan Associates from January, 1992 through June, 1998." You sought an open records decision from this office pursuant to section 552.305 of the Government Code with regard to certain records of Thos. S. Byrne, Inc. Consequently, this office notified representatives of Thos. S. Byrne, Inc. that we received your request for an open records decision regarding their contract with the board for Construction Management and General Contracting Services. In our letter to Thos. S. Byrne, Inc., this office requested an explanation as to why certain financial records, salary information, and incentive compensation programs were excepted from public disclosure, with the caveat that their failure to do so within a reasonable time would result in this office instructing you to disclose the information.

More than fourteen days have elapsed since this office issued its notice, but Thos. S. Byrne, Inc. has failed to provide this office with any explanation as to why the requested documents should not be released. Consequently, we have no basis for applying any exceptions to required public disclosure to this information. *See* Open Records Decision Nos. 639 (1996), 552 (1990). Because neither the board nor Thos. S. Byrne, Inc. have established to this office that the requested information should be withheld, the board must release the information. If you have any questions regarding this letter, please contact this office.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/RWP/nc

Ref.: ID# 120006

Enclosures: Submitted Documents

cc: Mr. Lee Alcorn
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(w/o enclosures)

Mr. John Avila, Jr.
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